



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1511-99

31 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 18 June 1980 at the age of 17. Your record reflects that you served for two years and five months without incident but on 4 November 1982 you received nonjudicial punishment (NJP) six specifications of insubordination and three specifications of disrespect. The punishment imposed was a \$321 forfeiture of pay, restriction for 18 days, reduction to paygrade E-2, and an oral reprimand. The reduction was suspended for three months.

Your record further reflects that on 10 March and 25 April 1983 you received NJP for three periods of absence from your appointed place of duty. Also reflected in your record is a letter dated 11 August 1983 which notes that you were convicted by civil authorities in July 1983 of larceny. On 17 November 1983 you received your fourth NJP for a day of unauthorized absence (UA) and were awarded restriction and extra duty for 30 days and reduction to paygrade E-1.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to waive your rights to consult with legal counsel or to present your case to an administrative discharge board (ADB). The discharge authority directed your commanding officer to discharge you under other than honorable conditions. On 13 December 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, honorable service prior to NJP, and your contention that you would like your discharge upgraded because your service was exemplary and you were an excellent Marine. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct in both the military and civilian communities. The Board also noted that you waived your right to an ADB, your best opportunity to be retained or to receive a better characterization of service. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director